

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Anthony Shennard Lewis

Docket No. 4:00-CR-47-1H

Petition for Action on Supervised Release

COMES NOW Dennis E. Albertson, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony Shennard Lewis, who, upon an earlier plea of guilty to Possession With Intent to Distribute More than 50 Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on August 21, 2001, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

On May 4, 2005, the term of imprisonment was reduced to 120 months pursuant to a motion for downward departure. Pursuant to a motion by the defendant under 18 U.S.C. § 3582(c)(2), the term of imprisonment was further reduced by the court to 97 months on May 16, 2008. Anthony Shennard Lewis was released from custody on May 23, 2008, at which time the term of supervised release commenced.

Based on a March 23, 2009, citation for Driving While License Revoked, Lewis was sanctioned by the court via waiver on April 14, 2009, with 24 hours community service. On February 14, 2011, supervision was modified to convert a 5 day DROPS sanction into a 30 day term of home confinement with electronic monitoring. This sanction was in response to a December 2, 2010, positive urinalysis for marijuana. Lewis was again sanctioned by the court on May 17, 2011,

with 40 hours of community service, based on an April 4, 2011, positive urinalysis for marijuana. After remaining drug free for approximately one year, Lewis again tested positive for marijuana on May 8, 2012, and was sanctioned by the court with 40 additional hours of community service.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: A urine specimen obtained from the offender on November 27, 2012, tested positive for marijuana and same was admitted. Lewis advised he had no excuse for his behavior other than using poor judgment while in the company of negative individuals.

Lewis has remained on the surprise urinalysis program for almost the entirety of his supervision period due to sporadic marijuana use and has completed assessments and outpatient treatment as directed. Considering Lewis' regular employment as a licensed barber and otherwise good adjustment to supervision, it is recommended he be sanctioned once again with 40 hours of community service and additionally ordered to participate in a cognitive behavioral program as directed by the probation officer to assist in his decision making skills. Lewis has previously completed 104 total hours of community service by cutting hair for the elderly, sick and homeless in the New Bern area. It is anticipated he will be able to continue this community service to satisfy the additional 40 hour sanction.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 40 additional hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

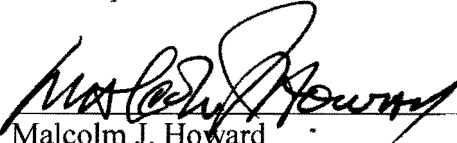
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dennis E. Albertson

Dennis E. Albertson
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Executed On: December 18, 2012

ORDER OF COURT

Considered and ordered this 19th day of December, 2012, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge